

**Minutes of Meeting
Grafton Planning Board
March 25, 2013**

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A regular meeting of the Grafton Planning Board was held on March 25, 2013 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Clerk Michael Scully, Robert Hassinger, Sargon Hanna and Associate Member Edward Prisby. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Qualey called the meeting to order at 7:00 p.m.

ACTION ITEM 1-A CONSIDER DECISION – SPECIAL PERMIT (SP 2013-1) ANNE RENZI – 137 WESTBORO ROAD – SMALL ANIMAL MASSAGE BUSINESS

MOTION by Mr. Hanna, **SECOND** by Mr. Robbins, to make favorable Findings for F-1 through F-32 with the corrections noted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hanna, **SECOND** by Mr. Hassinger, to grant Waivers W-1 and W-2 with the corrections noted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hanna, **SECOND** by Mr. Robbins, to grant Special Permit (SP 2013-1) with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

BILLS

The bills were circulated and signed.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Hanna, **SECOND** by Mr. Robbins, to approve the open session minutes of March 11, 2013 with the corrections noted. **MOTION** carried unanimously 5 to 0.

CORRESPONDENCE

There was no correspondence presented.

REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC

Mr. Hassinger noted the WRTA will be holding another public hearing at the South Grafton Community House regarding the possibility of bus service to the town, which could possibly be televised with live feed cable, but will also be shown on cable tv programming. Mr. Hassinger did not know the date the hearing is scheduled for, but encouraged interested persons to attend and provide their input.

Mr. Robbins stated the only update he had from the Library Committee was that a building permit has been obtained for the work to be done.

Mr. Scully remarked there was nothing to report from the Super Park Committee.

STAFF REPORT

Mr. Bishop briefly recapped the Finance Committee meeting, stating there were presently no particular issues with the budget, but that could change when it is known how the Governor's final budget proposal will play out.

Mr. Bishop noted that the final total of 104 bricks had been ordered for Mill Villages Park, adding that there will be a second opportunity in the fall to purchase the bricks again. Mr. Bishop stated that the Streetscape Committee is moving forward in planning the placement of the bricks along with a June 14 Flag Day celebration at 6 p.m. including a concert by the Blackstone Valley Concert Band. The Committee has also moved forward on the plans for the concessions building and bathrooms with the help of Architect John Moro who has submitted a schematic plan for the facility; and are also in the process of identifying funding sources for the project.

Mr. Bishop informed the Board that Tufts University has a strong interest in actively incorporating the Greenhouse technology into their curriculum.

Additionally Mr. Bishop stated that the Streetscape Committee was committed to making the facility available for event booking, and that Ann Morgan has submitted a reservation form to be approved by the Board of Selectmen to make that possible.

Chairman Qualey noted that the senior class was sponsoring a fundraiser tonight at Five Guys to benefit the Bon Voyage party.

Chairman Qualey received unanimous consent to recess for five minutes.

PUBLIC HEARINGS

MODIFICATION OF DEFINITIVE PLAN APPROVAL – “DENDEE ACRES” SUBDIVISION – CHARLES KADY, JR., D/B/A KADY BUILDERS, INC., (APPLICANT/OWNER)

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing.

Mr. Kady was present for the hearing and informed the Board he was requesting an extension to his Definitive decision approval for “Dendee Acres”. Mr. Kady stated that he had constructed three homes already, with five more left to build, adding that he did not want to finish the roadway until the remainder of the homes are constructed.

Mr. Bishop informed the Board that he wished to note for the record that Mr. Kady has done an exemplary job with his work ethic and cooperation of this subdivision project.

Mr. Hassinger asked about the construction progress time frame and if the street lights had been turned on and where exactly the lights were located. Mr. Kady stated there are two streetlights scheduled for the subdivision, one at the entrance and one at the end of the cul-de-sac, neither of

which has been turned on. Mr. Kady added he will contact the Electric Company about getting the streetlights on and that he has taken out two more building permits this week with the hope of an improvement in the economic situation for the housing market.

MOTION by Mr. Scully, SECOND by Mr. Hassinger, to close the public hearing MOTION carried unanimously 5 to 0.

MOTION by Mr. Hassinger, SECOND by Mr. Hanna, to direct Staff to draft a decision taking into consideration all the information received and the findings and conditions discussed.

DISCUSSION: Mr. Hassinger suggested Staff look at what has been done previously regarding the streetlights within subdivisions, and to incorporate that language into the decision.

MOTION carried unanimously 5 to 0.

MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP 2013-2) “GRAFTON HILL” – WESTERLY SIDE GRAFTON LLC (APPLICANT) – WESTERLY SIDE GRAFTON LLC, ROCKY ROAD REALTY TRUST, ROBERT B. MCINNIS & ABBY MCINNIS TRUST (OWNERS)

Chairman Qualey opened the public hearing. Present for the hearing representing the applicant was Attorney Joseph Antonellis, Engineer George Connors of Connorstone Engineering, Francis Noel and Scott Goddard, Wetland Consultant.

Attorney Antonellis briefly reviewed the projects status from the previous hearing and suggested the Board hear from Wetland Consultant Scott Goddard regarding the wetland issues associated with the Conventional plan for the project. Attorney Antonellis remarked that George Connors had submitted correspondence to the Board identifying the major issues and their comments.

Mr. Bishop noted he had provided the Board with a copy of the Railroad easement and deed and asked Attorney Antonellis if the documents had ever been recorded. Attorney Antonellis stated the documents have been executed and held in escrow in anticipation of approval of the special permit. Attorney Antonellis also briefly reviewed some specifics and issues from the last public hearing, including discussions with the Sewer Department regarding plans for a pumping station; questions on the Board’s approval of a double-barrel roadway with the Flexible plan; and the major wetland issues associated with the Conventional plan. Attorney Antonellis additionally suggested Scott Goddard provide a written narrative to Graves Engineering for his written review comments concerning the viability of “limited project” status for the connecting road to Worcester Street for the Conventional plan.

Mr. Hassinger expressed concerns to Attorney Antonellis regarding the comments submitted by the Conservation agent stating an extensive area of wetland alteration; inadequate information presently to comment on possible permitting; a required habitat evaluation; and questions of lots having the required ratio of upland.

Attorney Antonellis reminded the Board that this process before them does not need all the other department approvals since the applicant is not in the Definitive phase. Mr. Hassinger remarked that an applicant cannot obtain a special permit unless he can satisfy the conditions and that the

Planning Board has never approved a long loop road over a thousand feet long, which raises a significant question as to where exactly the applicant stands with this project.

Attorney Antonellis suggested it may prove beneficial to poll the Board tonight to see if the Flexible plan with the double-barrel roadway is approvable. Mr. Hassinger responded that the applicant did not file a waiver for this request, making the application deficient; and adding that he considers the double-barrel roadway and the length to be problematic.

Chairman Qualey stated that he had no problem with the double-barrel roadway pending comments from the DPW, Fire and Police departments. Chairman Qualey stressed that his biggest problem is the wetlands issue and the need to resolve the wetlands approval.

Mr. Bishop noted that he would want to discuss this situation with Graves Engineering to see their comfort level reporting on the wetlands issue and also if the Conservation agent is comfortable with that decision, as they typically retain the services of EcoTech. Attorney Antonellis stated he would have no objection to using EcoTech.

Mr. Robbins remarked that from a Planning Board perspective, he would need to see a high probability that the Conservation Commission will approve this wetlands issue, as it is ultimately up to them if the project can achieve this complex approval. Mr. Robbins referred to case law that suggested that “limited project” status is rather difficult to achieve.

Mr. Hassinger added that the cul-de-sac request is so far out of the parameters of what the Planning Board grants, and coupled with the “limited project” situation, there is a definite question as to whether the project can achieve approval.

Attorney Antonellis attempted to justify the double-barrel roadway by citing the new entrance to Uxbridge High School which is a very similar set-up being used with students. Attorney Antonellis informed the Board that he is concerned that he can get the Conventional plan with the wetland issues approved and then be faced with the Planning Board not being comfortable with the Flexible plan presented.

Chairman Qualey stated that if the Conservation Commission approves the Conventional plan with the wetlands, he will have no problem with the Flexible plan or the roadway, subject to additional information being provided. Mr. Hassinger reminded Chairman Qualey that he will not be a member of the Board at the time of voting a decision.

Mr. Robbins remarked that he sees the Flexible plan over the Conventional plan, but that the double-barrel roadway does give him pause to think about and give consideration to past Planning Board decisions on this type of roadway.

Mr. Hassinger stated that he also had problems with the major and minor road issues along with the road intersection distance compliance, for which there was no information submitted.

Mr. Hanna, who classified himself as pro-development, stated that he disliked the Conventional plan and was not convinced that it could be approved even without the wetlands issues. Mr. Hanna added he needs to be convinced that the Conventional plan is feasible, noting that the Board had heard much testimony from abutters concerning the severe wetland issues already

present within this project area. Mr. Hanna noted he was not sure if he will be able to allow the double-barrel roadway in the Flexible plan.

Mr. Scully concurred with his fellow Planning Board members, especially with Mr. Robbins concerning the wetlands issues; and with Mr. Hanna's position regarding the double-barrel roadway that has never been previously approved by the Board. Mr. Scully added more information is needed on the outstanding issues related to the Conventional plan, before the Board can deal with the Flexible plan.

Mr. Prisby stated that he would not venture to offer an opinion, as he must review all of the materials, which he takes very seriously.

Attorney Antonellis stated he would like the Board to hear what Scott Goddard, Wetland Consultant has to say.

Chairman Qualey asked Attorney Antonellis if they had received a copy of the correspondence from David Paist of 54 Worcester Street addressing issues regarding the water table, traffic and sound issue from the trains. A copy of the letter was given to Attorney Antonellis. Mr. Hassinger noted there were questions in the letter questioning whether the train horns will be disruptive to the homes when they are approaching the crossings.

Frank Noel informed the Board he had lived in Grafton for 55 years and his father had developed many subdivisions with lengthy roadways which had not had any problems over the years with vehicle traffic. Mr. Hassinger stated that many of these subdivisions were prior to regulations and condominiums were approved years ago by the Board of Selectmen.

Scott Goddard informed the Board that he was a professional Wetland Scientist practicing in Massachusetts for over 15 years and proceeded to review the Conventional plan, specifically the major wetland crossings and issues associated with the project. Mr. Goddard noted that with the new plan submitted the wetlands are now accurately reflected and recognized by the Conservation Commission. Mr. Goddard reviewed each of the wetland crossing issues and how they would be approached with limited impact, quoting also from the Wetlands Protection Act, Section 10.5.3 with regard to "limited project" status. Mr. Goddard recognized that a habitat study could be provided, if necessary.

The Board agreed unanimously that the wetlands discussion was very informative but did not bring them any closer to a realization of an approval of the Conventional plan.

Mr. Robbins stated that as part of the "limited project" criteria, the agreement needs to show that without the large wetland crossing the upland area could not be accessed, and pointed out that access can be gained from North Street.

Mr. Hassinger asked with regard to the Flexible plan if there would be anything being built out on the lower side of the property. Attorney Antonellis stated that a separate parcel within the Open Space is to be offered to the Affordable Housing Trust, but that would be a separate project application on their part.

Chairman Qualey asked if there were any comments from the public and there were none. Chairman Qualey concluded stating that the Conventional plan and wetland issues had been laid out in a reasonably straight forward manner, but discussion is needed as to what avenue will get the Board to a conclusion to these issues.

Attorney Antonellis asked about continuing the public hearing to the April 8th meeting for a traffic study discussion, but Mr. Bishop noted that he may not be present for the meeting. Attorney Antonellis requested to continue to the April 22nd Planning Board meeting.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to grant the applicant's written request to continue the public hearing to April 22, 2013 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 8:55 p.m.

EXHIBITS

- **Action Item 1A – Consider Decision – Special Permit (SP 2013-1) and Site Plan Approval, 137 Westboro Road – Small animal massage business**
 - Draft Planning Board Decision, Special Permit (SP 2013-1) and Site Plan Approval, dated March 20, 2013, 7 pages.
- **Item 5: Minutes of Previous Meeting**
 - Open Session Minutes of March 11, 2013
- **Public Hearing 9A – Modification of Definitive Plan Approval – “Dendee Acres” Subdivision, Charles Kady, Jr., (Applicant/ Owner)**
 - Application for Approval of a Modified Definitive Plan, “Dendee Acres” Subdivision, submitted Charles Kady, Jr., dated February 12, 2013, received February 20, 2013, 1 page.
 - Correspondence from Kady Builders, Dendee Acres, received February 20, 2013, 1 page.
 - Map, 8 ½” x 11, color, 61 Elmwood Street, Grafton GIS, dated February 14, 2013, received February 20, 2013, 1 page.
- **Public Hearing 9B: Major Residential Special Permit (MSRP 2013-2) “Grafton Hill” – Westerly Side Grafton LLC (Applicant) – Westerly Side Grafton LLC, Rocky Road Realty Trust, Robert B. McInnis & Abby McInnis Trust (Owners)**
 - Easement Deed and Agreement, Grafton & Upton Railroad Company and Westerly Side Grafton LLC, dated June 22, 2011, 4 pages.

- Correspondence from David Paist, 54 Worcester Street; major Residential Special Permit (MRSP 2013-2) “Grafton Hill”; dated and received March 21, 2013, 5 pages.
- Fax Transmission from Connorstone Engineering, re: “Grafton Hill” Subdivision, dated March 21, 2013, received March 22, 2013, 5 pages.
- Correspondence from Grafton Conservation Commission, dated and received March 22, 2013, 1 page.



Michael Scully, Clerk

